

**ASSEMBLY BILL**

**No. 2790**

**Introduced by Assembly Member Strickland**

February 24, 2006

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An act to add Section 3549.4 to the Government Code, relating to educational employment.

LEGISLATIVE COUNSEL'S DIGEST

AB 2790, as introduced, Strickland. Educational employment: suspension of salary or benefits increases.

(1) Existing law governs employer-employee relations within the public school system. In relation to public school employee organizations, existing law grants certain rights to public school employees, proscribes certain conduct by public school employers, regulates employee organizations, and provides a procedure for resolving an impasse in negotiations between an employee organization and a public school employer.

This bill would require a collective bargaining agreement negotiated between a public school employer and an exclusive representative after January 1, 2007, to contain a provision that requires the suspension of any salary cost-of-living increase, benefit increase, or any other salary increase in certain fiscal years. The bill would require payment of the suspended benefits and salary in subsequent fiscal years, with certain requirements. By imposing these requirements on a public school employer this bill would create a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 3549.4 is added to the Government  
2 Code, to read:  
3 3549.4. (a) A collective bargaining agreement negotiated  
4 between a public school employer and an exclusive  
5 representative after January 1, 2007, shall contain a provision  
6 that requires the suspension of any salary cost-of-living increase,  
7 benefit increase, or any other salary increase provided for in the  
8 collective bargaining agreement for any year in which the  
9 Legislature does not sufficient funding to pay the full amount of  
10 the inflation adjustment provided for in Section 42238.1 of the  
11 Education Code.  
12 (b) Any salary or benefit increase suspended pursuant to  
13 subdivision (a) shall be fully or partially paid in subsequent fiscal  
14 years if the full inflation adjustment provided for in Section  
15 42238.1 of the Education Code is appropriated, and if the county  
16 superintendent of schools certifies that the full or partial payment  
17 will not result in a reduction in operations, curtailment or  
18 elimination of programs, or layoffs of personnel.  
19 (c) In any fiscal year when only a partial payment is made  
20 pursuant to subdivision (b), the unpaid balance shall be paid in  
21 subsequent fiscal years in accordance with subdivision (b).  
22 SEC. 2. If the Commission on State Mandates determines that  
23 this act contains costs mandated by the state, reimbursement to  
24 local agencies and school districts for those costs shall be made  
25 pursuant to Part 7 (commencing with Section 17500) of Division  
26 4 of Title 2 of the Government Code.

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